

ARTICLE 16
RECREATIONAL FACILITIES

§760-1601 Declaration of Policy

Recreation is an important component of the lifestyle of Suffolk County residents as well as a significant industry attracting tens of thousands of visitors annually. Recreational venues are many and varied in scope each posing unique potential hazards to the health and safety of those engaging in such activities. It is the policy of the County of Suffolk to protect the health and safety of the public, both resident and visitor, at all permitted recreational facilities.

§760-1602 Statement of Purpose

It is the intent and purpose of this Article to safeguard the public health by assuring the maintenance of a sanitary, safe and healthful environment, free of preventable hazards, for the public, when using the many and varied recreational facilities within the County of Suffolk.

§760-1603 Applicability

This article and its provisions are in addition to other applicable regulations in this Code and supplemental to all other New York State regulations and shall apply to all permitted recreational facilities except those:

- A. Owned and/or maintained by an individual for the sole use of his family and friends;
- B. Used only under medical supervision or associated with hospitals.

§760-1604 Definitions

Whenever used in this Article, unless otherwise expressly stated, or unless the context or subject matter requires a different meaning, the following terms shall have the respective meanings as set forth or indicated as follows:

- A. **Recreational Facility** shall mean a facility having a bathing beach, swimming pool, wading pool or spa pool as defined in 10 NYCRR §6-1.2 and §6-2.2.
- B. **Qualified Swimming Pool Treatment Operator** shall mean an individual possessing evidence of the successful completion of either of the following courses:
 - 1. A New York State Department of Health Water Treatment Plant Operator Certification Course Type A or B; or
 - 2. A course of instruction approved by the New York State Department of Health.
- C. **Medical Supervision** shall mean treatment provided by a medical professional following a physician's written orders.
- D. **Uniform Code** shall mean the New York State Uniform Fire Prevention and Building Code, 9 NYCRR, Subtitle S, Chapter I.

§760-1605 Enforcement Provisions; Powers and Duties of the Commissioner

A. The Commissioner may:

1. Inspect recreational facilities for compliance with all applicable rules and regulations;
2. Collect information appropriate to determine if a facility is being maintained and operated in compliance with applicable provisions of this Article and all other New York State regulations;
3. Engage in engineering and enforcement activities for the protection of the public health relative to the use of recreational facilities;
4. Take appropriate administrative or legal action which may include imposing or seeking fines for failure to comply with this Article;
5. Promulgate and establish standards to affect the purpose of this Article;
6. Engage in any other such actions as may be deemed necessary to protect the public health and safety.

B. The Commissioner may delegate this authority where appropriate.

§760-1606 Certified Pool Operator Requirement

Every swimming pool at a recreational facility (including wading pools and spa pools) shall be operated by at least one individual, on site, possessing certification as a Certified Pool Operator (CPO) as defined elsewhere in this Article and subject to the Standards accompanying this Article. A CPO associated with a homeowners association, condominium or cooperative, as defined in 10 NYCRR §6-1.2(p), must be an employee or full-time resident of the association, condominium or cooperative, but need not be on-site at all times of pool operation.

§760-1607 Ventilation Requirement

Every indoor recreational facility shall have ventilation designed, installed, operated and maintained in accordance with the requirements of the Uniform Code and the New York State Sanitary Code Part 6, as applicable. Other requirements, as defined in the Standards accompanying this Article, shall apply.

§760-1608 Supervision Requirement

Supervision shall be required at all recreational facilities (defined in §760-1604A). The level and type of supervision shall be in accordance with standards promulgated by the Commissioner and by the New York State Department of Health provided that supervision standards which may be promulgated by the Commissioner are not inconsistent with those promulgated by the New York State Department of Health.

§760-1609 Cardiopulmonary Resuscitation (CPR) Requirement

A. With the exception of facilities exempt from the supervision requirement as designated in 10 NYCRR §6-1.23(a) (Homeowners Associations, Cooperatives and Condominiums), facilities not otherwise required to have a qualified lifeguard shall have at least one person, a minimum of eighteen years of age, possessing American Red Cross (ARC) Community CPR or equivalent cardiopulmonary resuscitation certification, on premises whenever any recreational facility is open to patrons. The certification period must not exceed one year.

- B. There shall be certain specific, required CPR apparatus on site as defined in the Standards accompanying this Article.
- C. There shall be certain specific signage and posting requirements as defined in the Standards accompanying this Article.

§760-1610 Safety Plan Requirement

A safety plan shall be required at all recreational facilities, in accordance with the standards promulgated by the Commissioner and the New York State Department of Health.

§760-1611 Operating Permit Requirement

An operating permit shall be required for all recreational facilities.

§760-1612 Swim Diaper Requirement

In accordance with 10 NYCRR §6-1.24, the release of fecal matter to the waters of a swimming pool, wading pool or spa pool is prohibited. A placard reading, “The Suffolk County Department of Health Services recommends that swim diapers be worn by bathers who are incontinent, lack toilet training or are otherwise lacking voluntary control of excretory functions.” shall be posted at the facility, and the recommendation shall be conveyed to facility patrons as appropriate.

§760-1613 Exemptions

In accordance with 10 NYCRR Chapter I, Subpart 6-2, the requirements of this Article shall not apply to bathing beaches that are owned and operated by a condominium (i.e., property subject to Article 9-B of the Real Property Law, also known as the Condominium Act), a property commonly known as a cooperative, in which the property is owned or leased by a corporation, the stockholders of which are entitled, solely by reason of their ownership of stock in the corporation, and occupy apartments for dwelling purposes, provided an “offering statement” or “prospectus” has been filed with the Department of Law, or an incorporated or unincorporated property association, all of whose members own residential property in a fixed or defined geographical area with deeded rights to use, with similarly situated owners, a defined bathing beach, provided such bathing beach is used exclusively by members of the condominium, cooperative apartment project or corporation or association and their family and friends.

(Adopted 12/16/1998; Effective 5/17/1999)